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CASE WEIGHT SYSTEM - RULES

*as developed and approved by the Labor Management Committee
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Every Regional Deputy Public Defender and Managing Attorney will receive this set of rules and instructions that explains how to use the case weighting system and a Monthly Report Form that will be used to track and report monthly cases assigned. Every region will follow these rules, best practices, and use the Monthly Report Form.

BEST PRACTICES: (on how to administer and use this system)

Step 1- VALUE THE CASE

(assign a case weight to each case when assigned – this means DAILY, as the cases come in, then write the value on the appointment sheet)

Step 2- DAILY TRACKING

(this system is designed to help evenly distribute cases among attorneys and to monitor how many cases each attorney receives each month, you should be looking at the reports DAILY as you assign cases)

(Again, this is a DAILY process,
as the appointment sheets are received from the court)

Step 3- GENERATE MONTHLY REPORT

(because you are tracking assignments and assigning weights DAILY, you simply need to print off the report you have been working on all month)

Step 4- ATTACH SUPPORTING DOCUMENTS TO THE REPORT

(Justware report for the month with the assigned weight written in the margin next to the case name - or other pertinent documents)

Step 5- ATTORNEY REVIEWS MONTHLY REPORT

**(at the close of the month distribute the monthly report to the attorneys)
(if there are questions, concerns, or changes, the attorney can write in the comment section on the form and talk to the manager about changes)**

Step 6- AFTER ADJUSTMENTS, ATTORNEY AND MANAGER SIGN AND DATE MONTHLY REPORT

Step 1 – Value the Case

1. The Regional Deputy Public Defender and/or Managing Attorney will assign and track cases by attorney for the office or region. If the Regional Deputy Public Defender or Managing Attorney is absent they will appoint a backup person who will be an attorney to assign and track cases. Every region will provide the Central Office with a list of those individuals that are approved to assign and track cases including all backup personnel. (see page 5-8 for specifics on values)

Step 2 – Daily Tracking

2. Cases will be assigned DAILY and entered into the Monthly Report Form DAILY. This information will be reported to the Central Office within 10 calendar days after the end of each month.
3. There will be a separate Monthly Report Form for each attorney, displaying the number of cases assigned, and the corresponding weight assigned.
4. This case weighting system is designed to monitor case assignments rather than open cases therefore, there is no incentive for a staff attorney to keep cases open.
5. One case is any number of tickets or charges an individual received in a specific incident and assigned to one jurisdiction for adjudication (i.e. Traffic stop results in a speeding ticket, criminal distribution of dangerous drugs and possession – if litigated in the same court – all one case).
6. When an attorney's monthly case weight reaches 12.5, the Regional Manager or Managing Attorney must meet with the staff attorney to discuss the attorney's caseload.

7. This tool is not a performance measure but is simply used to assess whether resources are being properly distributed and help assure that the agency is not exceeding ethical caseload limits.

Step 3 – Step 6 **Generate, Attach, Review, Sign and Date**

8. At the close of each month, print off the Monthly Report Form and distribute to every attorney. Attach any relevant documentation, for instance, a Justware report for the month with the assigned weight written in the margin next to the case name. The attorney then has a chance to review the Monthly Report Form for errors, questions, concerns, and can write their comments in the space provided on the form. Once the review is completed and adjustments are made, if any, both the attorney and manager sign the Monthly Report Form.

9. The Monthly Report Form must be sent to the Central Office within 10 calendar days after the end of each month.

Summary Report (generated by Central Office)

10. The Monthly Report Form will be used by Central Office to generate a summary form for each attorney. The summary form will have 12 months for each attorney and a sum of the activity for the 12 month period at the bottom of each column.

11. On the summary form for a new attorney, any month that does not have “actual information” for case assignments will have 12.5 units in place of the non-existent actual information. Therefore each attorney will begin with 150 units or case assignments (12 months times 12.5 units = 150).

12. Actual monthly case units will replace the 12.5 unit place holder and become part of the calculation of total annual units.

13. This is a “rolling month” process so the most recent actual information replaces the old information and the total is recalculated.

14. New hires: Central Office will backfill the summary report with the total number of cases transferred to the attorney at 12.5 units per month beginning with

the current month until all cases that have been transferred are accounted for. Backfill to fill out the year with 12.5.

Special Circumstances:

15. Warrants: If a case goes to warrant status, make no adjustments.

16. Similarly, if a case comes back from warrant status to active, make no adjustments unless the case has been re-assigned to another attorney. (Generally, these cases will most likely return to the attorney's caseload within the year.)

17. Conflicts: If a case is conflicted out of the office after it has been assigned, subtract the appropriate case units from the attorney to whom it was assigned. (Management retains discretion to leave the case credit on the original attorney's count if the case goes to conflict at a late stage after the attorney has worked the case for some time or if the attorney has expended significant hours.)

Adjustments should be made in the month in which the transfer takes place, regardless of when the appointment was made.

18. Co-counsel: If an attorney is full co-counsel, give that attorney a full credit. If the attorney is a trial-only co-counsel, give the attorney one-half of the allotted unit credit.

19. When a case is transferred from one attorney to another the case credit moves with the case (subtract from the original attorney, add to the new attorney). Adjustment should be made in the month in which the transfer takes place.

CASE WEIGHT VALUES

Misdemeanor:

2.5 hours~~0.25 units~~ -Fugitive / Out of County warrants

3 hours~~0.3 units~~

-ALL Traffic Offenses (Title 61) (chapters 3,5, 6, 7, 8, 9, 11, 13)
Except (DUI / PerSe – 61-8-401 and 61-8-406)

-Crimes (ONLY these three) Disorderly Conduct 45-8-101
Obstructing 45-7-302
Minor in Possession 45-5-624

-All City Ordinance Violations

7 hours~~0.7 units~~

-DUI / PerSe (Title 61) (DUI 61-8-401 and PerSe 61-8-406)

-Crimes (ALL Title 45) (chapters 2, 5, 6, 7, 8, 9, 10)
Except Disorderly Conduct 45-8-101
Obstructing 45-7-302
Minor in Possession 45-5-624

-If there are 5 or more charges in one case

~~— If there are 5 or more charges in one case~~

10 hours ~~—~~ -misd sex crime

Add 5 hours ~~0.5~~ to the month when a trial occurs.

Add 5 hours ~~0.5~~ to the case total for appeals from Justice/Municipal/City court upon the appeal

Add 5 hours ~~0.5~~ to the units assigned if the case is outside of the assigned region).

(Example: Kidnapping charged in Kalispell, but the attorney comes from Missoula = person crime + ~~0.5~~ for travel, assign 252.5.)

Add 20 hours ~~2.0~~ to the **month** for those who practice in courts located outside of the city where their office is located.

Assign the unit based on the highest crime charged, then no units for the other charges

EXAMPLES

1- Disorderly, DUI, and open container = 7 hours~~0.7~~

(because DUI is worth the most, don't count the others)

2- No insurance, obstructing, and driving while suspended = 3 hours~~0.3~~

(that's the highest unit for any one of them)

3- No insurance, obstructing, no DL, speeding, minor in possession, which goes to trial = 12 hours~~1.2~~

(even though all are in the 3 hour0.3 category, because there are 5 or more charges assign 7 hours0.7 + 5 hours0.5 because a trial occurred)

Felony:

2.5 hours 0.25 units -Fugitive / Out of County warrants

7 hours0.5 units -Petition To Revoke

10 hours1.0 units

- Property Crimes (45-6-101 – 45-6-341)
- Offenses Against Public Administration (45-7-101 – 45-7-501)
- Offenses Against Public Order (45-8-103 – 45-8-408)

15 hours1.5 units

- Dangerous Drugs (45-9-101 – 45-9-132)
- Felony DUI (61-8-401, 61-8-406)

20 hours, felony theft

50 hours2.0 units

- Offenses Against the Person (45-5-201 – 45-5-634)

Except Homicide charges

100 hours5.0 units

- Homicide (45-5-101 – 45-5-106)

Add 5 hours0.5 to the units assigned if there are 3 or 4 charges in the case

Add 5 hours0.5 to the units assigned if the case is outside of the assigned region).

(Example: Kidnapping charged in Kalispell, but the attorney comes from Missoula – person crime + 5 hours0.5 for travel, assign 25 hours2.5.)

Add 10 hours1.0 to the month when a trial occurs

Add 10 hours1.0 to the units assigned if there are 5 or more charges in the case

Add 20 hours2.0 to the **month** for those who practice in courts located outside of the city where their office is located.

Inchoate Offenses (**Solicitation, Conspiracy, and Attempt**), assign units according to the underlying crime.

Example: attempted robbery, assign points for robbery, 45-5-401 = 20 hours2.0

units

Assign the units based on the highest crime charged, then look at the number of charges for extra points:

EXAMPLES

1- Possession of Dangerous Drugs, Stalking = 20 hours2.0

(since stalking is worth the most, don't assign points for PODD)

2- Criminal Mischief, Arson, Burglary = 15 hours1.5
(even though all are in the 10 hour1.0 category, add 5 hours.5 since there are THREE charges)

3- Attempted negligent homicide = 50 hours5.0
(even though its attempted homicide, look at underlying charge of homicide)

Civil / Juveniles:

2.5 hours

-DI (Involuntary Commitment)

Add 5 hours if goes to contested judge hearing (total possible 10 hours)

Add 10 hours if goes to contested jury trial (total possible 15 hours)

4 hours

-DD (Developmentally Disabled)

5 hours0.5 units

-DG (Guardianship)

Add 5 hours0.5 if the case goes to final contested hearing (total possible points 10 hours1.0)

~~-DI (Involuntary Commitment)~~

~~Add 0.5 if goes to contested judge hearing (total possible points 1.0)~~

~~Add 1.0 if goes to contested jury trial (total possible points 1.5)~~

-DJ (Juveniles - misdemeanor / status offense)

Add 5 hours0.5 to the month when a trial occurs

Add 7 hours0.7 -If there are 5 or more charges in one case

10 hours1.0 units

~~-DD (Developmentally Disabled)~~

-DJ (Juveniles - Felony)

Add 10 hours 1.0 to the month when a trial occurs

Add 5 hours0.5 to the units assigned if there are 3 or 4 charges in the case

Add 10 hours1.0 to the units assigned if there are 5 or more charges in the

case

20 hours2.0 units

-DN (Dependent Neglect)

Add 10 hours1.0 if goes to contested termination (total possible **30**
hourspoints 3.0)

Note: DN case weighting is based upon the cause number of the parent(s), not the number of children, and includes termination proceedings, so trial level preparation is necessary.

Add 5 hours0.5 to the **hoursunits** assigned if the case is outside of the assigned region).

Add 20 hours2.0 to the **month** for those who practice in courts located outside
of the city where their office is located.

DUI / Treatment Court:

Add 20 hours2.0 units every month for each treatment court the attorney is assigned to.

Each treatment court is separate and distinct, unless they are consolidated for the purpose of staffing, hearing and case work. For example, some courts have separate official names, but don't require separate attorney time because all court and case work is done at the same time.

Jail Run / Initial Appearances:

Add 70 hours7.0 units every month for the attorney who is the "designated daily jail attorney" for their office (applies to Regions 1, 2, 3, 4, 5, 8 and 9) This value applies when there is only ONE person doing the jail run and initial appearances for the entire office. This does not apply in offices that use a rotation to cover the jail run and initial appearances.